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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,184	07/16/2001	Hans Albrecht Schmid	A-7498	3064

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EXAMINER	
BATURAY, ALICIA	

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/905,184	SCHMID, HANS ALBRECHT	
	Examiner	Art Unit	
	Alicia Baturay	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 July 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☒ Claim(s) *1,2,4,8,9 and 11* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 July 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. 09/905,184.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10292004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-12 are pending.

Drawings

2. The drawings, Figs. 1-11, are objected to because the unlabeled boxes shown in the drawings should be provided with descriptive text labels. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: conventionally, numbered references to figures and indicia are bolded within the Detailed Description of the Invention. Appropriate correction is required.

Claim Objections

4. Claims 1, 2, 4, 9, and 11 are objected to because of the following informality: Applicant states "...*a* same execution environment." It is suggested that Applicant change this to read "...*the* same execution environment." Appropriate correction is required.

5. Claim 8 is objected to because of the following informality: Applicant states "...packed into a proxy refers to the remote gate..." It is suggested that Applicant changes this to read "packed into a proxy *that* refers to the remote gate..." Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 10-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear as to how a program can be executed solely within read-only memory.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-12 rejected under 35 U.S.C. 102(e) as being anticipated by Slaughter et al. (U.S. 6,789,077).

10. As to claim 1, Slaughter discloses a process for operating a distributed computer network comprising a plurality of distributed computers (Slaughter, col. 1, lines 25-26), on one of the computers there being at least one component of a computer program (Slaughter, col. 6, lines 46-48), a component which can run on the microprocessor of the computer (Slaughter, col. 89, line 21), and to operate the computer the at least one component being accessed from a collocated client or a remote client (Slaughter, col. 31, lines 20-22), the at least one component is accessed from the collocated client via a local gate (Slaughter, col. 26, lines 52-55) of the at least one component if the collocated client is filed on the same computer and runs within the same execution environment as the at least one component (Slaughter, col. 54, lines 49-50), and otherwise the at least one component is accessed from the remote client via a remote gate of the at least one component (Slaughter, col. 29, lines 57-59).

11. As to claim 2, Slaughter discloses a process for operating the computer of a distributed computer network comprising the computer and a plurality of distributed computers (Slaughter, col. 1, lines 25-26), on the computer there being at least one component of a computer program (Slaughter, col. 6, lines 46-48), a component which can run on the microprocessor of the computer (Slaughter, col. 89, line 20), and to operate the computer the at least one component is accessed from a collocated client or a remote client (Slaughter, col. 31, lines 20-22), where the at least one component is accessed from the collocated client via a local gate (Slaughter, col. 26, lines 52-55) of the at least one component, if the at least one component is filed on the same computer and runs within the same execution environment as the collocated client (Slaughter, col. 54, lines 49-50), and otherwise the at least one component is accessed from the remote client, via a remote gate of the at least one component (Slaughter, col. 29, lines 57-59).

12. As to claim 3, Slaughter discloses the invention substantially as described in claim 1, including where from the at least one component, at least one other component (Slaughter, col. 6, lines 46-48) is accessed via a local gate of the at least one other component, if the at least one other component is filed on the same computer and runs within the same execution environment as the at least one component (Slaughter, col. 26, lines 52-55) and otherwise from the at least one component, the at least one other component is accessed via a remote gate, of the at least one other component (Slaughter, col. 26, lines 52-56).

13. As to claim 4, Slaughter discloses the invention substantially as described in claim 1, including where the remote gate of the at least one component is accessed via a proxy, the proxy implementing the same interface as the local gate (Slaughter, col. 31, lines 17-22).

14. As to claim 5, Slaughter discloses the invention substantially as described in claim 3, including where the remote gate of the at least one component, is used for transformation of a parameter or a result when services or functionalities of the at least one component have parameters or results which themselves represent a reference to the at least one other component and the at least one other component is located locally with respect to the at least one component, but remotely with respect to the client (Slaughter, col. 30, lines 25-39).

15. As to claim 6, Slaughter discloses the invention substantially as described in claim 4, including where the proxy is used for transformation of a parameter or a result when services or functionalities of the at least one component have parameters or results (Slaughter, col. 30, lines 30-39) which themselves represent a reference to another proxy and the at least one other component (Slaughter, col. 2, lines 48-49), is located remotely with reference to the at least one component (Slaughter, col. 3, lines 6-9), but collocated with reference to the client (Slaughter, col. 54, lines 49-50).

16. As to claim 7, Slaughter discloses the invention substantially as described in claim 1, including where to access the at least one component, first a local naming and directory service is accessed and from it a reference to the at least one component to be invoked is

transferred (Slaughter, col. 45, lines 48-59), the reference referring to a local gate of the at least one component if the at least one component to be invoked is a collocated component (Slaughter, col. 54, lines 49-50), and the reference refers via a proxy to a remote gate of the at least one component if the at least one component to be invoked is a remote component (Slaughter, col. 29, lines 15-20).

17. As to claim 8, Slaughter discloses the invention substantially as described in claim 7, including where to access the at least one component, first the local naming and directory service is accessed (Slaughter, col. 45, lines 48-59) and from it a reference to a factory (19) of the at least one component to be invoked is transferred (Slaughter, col. 9, line 57-col. 10, line 6), the reference referring to the local gate of the factory if the factory and the at least one component to be invoked are collocated (Slaughter, col. 22, lines 24-29), and the reference is packed into a proxy that refers to the remote gate of the factory when the factory and the at least one component to be invoked are remote (Slaughter, col. 29, lines 15-20), and another reference to the at least one component to be invoked is transferred by the factory, the at least one other reference referring to a local gate of the at least one component, if the factory and the at least one component to be invoked are collocated (Slaughter, col. 54, lines 49-50), and the other reference is packed into a proxy, that refers to a remote gate, of the at least one component if the factory and the at least one component to be invoked are remote (Slaughter, col. 29, lines 15-20).

18. As to claim 9, Slaughter discloses a computer program which can run on a microprocessors of a plurality of computers of a distributed computer network (Slaughter, col. 1, lines 25-26), comprising at least one component (Slaughter, col. 6, lines 46-48), with at least one gate for accessing the at least one component (Slaughter, col. 26, lines 52-55), from a collocated client, which is filed on the same computer, and runs within the same execution environment as the at least one component (Slaughter, col. 54, lines 49-50), or from a remote client, which is filed on another computer and runs within an execution environment other than the at least one component (Slaughter, col. 29, lines 57-59), where the at least one component has a local gate for access to the at least one component from the collocated client and a remote gate for access to the at least one component from the remote client (Slaughter, col. 31, lines 20-22).

19. As to claim 10, Slaughter teaches a storage element, selected from a read-only memory, a random access memory, or a flash memory for a computer of a distributed computer network (Slaughter, col. 3, lines 64-66) on which at least one component of a computer program (Slaughter, col. 7, lines 50-53; col. 8, lines 3-5), which can run on the microprocessors of the computer, of the computer network is stored (Slaughter, col. 89, line 20), the at least one component having at least one gate (Slaughter, col. 26, lines 52-55) for accessing the at least one component from a collocated client which is filed on the same computer and runs within the same execution environment as the at least one component (Slaughter, col. 54, lines 49-50), or from a remote client which is filed on another computer and runs within an execution environment other than the at least one component (Slaughter, col. 29, lines 57-59), where the at least one component has a local gate for access to the at least one component from the

collocated client and a remote gate for access to the at least one component from the remote client (Slaughter, col. 31, lines 20-22).

20. As to claim 11, Slaughter teaches a computer of a distributed computer network (Slaughter, col. 1, lines 25-26) with a storage element, selected from a read-only memory, a random access memory, or a flash memory (Slaughter, col. 3, lines 64-66) on which at least one component of a computer program (Slaughter, col. 7, line 50-53; col. 8, lines 3-5) which can run on the microprocessors of the computers of the computer network is stored (Slaughter, col. 89, line 20), the at least one component having at least one gate (Slaughter, col. 26, lines 52-55) for accessing the at least one component from a collocated client which is filed on the same computer and runs within the same execution environment as the at least one component (Slaughter, col. 54, lines 49-50), or from a remote client which is filed on another computer and runs within an execution environment other than the at least one component (Slaughter, col. 29, lines 57-59), where the at least one component has a local gate for access to the at least one component from the collocated client and a remote gate for access to the at least one component from the remote client (Slaughter, col. 31, lines 20-22).

21. As to claim 12, Slaughter teaches a distributed computer network comprising several computers with one storage element each (Slaughter, col. 1, lines 25-26), selected from a read-only memory, a random access memory, or a flash memory (Slaughter, col. 3, lines 64-66) on which at least one component of a computer program (Slaughter, col. 7, line 50-53; col. 8, lines 3-5) which can run on the microprocessors of the computers of the computer

network is stored (Slaughter, col. 89, line 20), the at least one component having at least one gate (Slaughter, col. 26, lines 52-55) for accessing the at least one component from a collocated client which is filed on the same computer and runs within the same execution environment as the at least one component (Slaughter, col. 54, lines 49-50), or from a remote client which is filed on another computer and runs within an execution environment other than the at least one component (Slaughter, col. 29, lines 57-59), where the at least one component has a local gate for access to the at least one component from the collocated client and a remote gate for access to the at least one component from the remote client (Slaughter, col. 31, lines 20-22).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Baturay whose telephone number is (571) 272-3981. The examiner can normally be reached at 7:30am - 5pm, Monday - Thursday, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AB

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